

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

JOHN F. WARD,

Plaintiff,

v.

No. 1:21-cv-00725-JHR

BEVERLY E. SIDES, et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER REGARDING COMPLAINT**

**THIS MATTER** comes before the Court on Plaintiff's Notice of Intent Pursuant to Rule 7 of the Federal Rules of [Civil] Procedure, Doc. 1, filed August 3, 2021 ("Notice").

Plaintiff "seeks Federal supbeona [sic] Duces tecums to obtain proof of claims against Defendants, of theft of property, forgery of Plaintiff[']s name on dispursment [sic] of insurance settlement funds obtained by attorney firm of Price, Glover and Hayes; Tuscaloosa Alabama as a result of Plaintiff[']s father Max B. Ward[']s death in auto accident." Notice at 1.

"A subpoena must issue from the court where the action is pending." Fed. R. Civ. P. 45(a)(2). The Court cannot issue a subpoena because Plaintiff has not filed a complaint. *See* Fed. R. Civ. P. 3 ("A civil action is commenced by filing a complaint with the court").

**IT IS ORDERED** that Plaintiff may, within 21 days of entry of this Order, file a complaint. Failure to timely file a complaint may result in dismissal of this case.

  
UNITED STATES MAGISTRATE JUDGE